



ZONING BOARD OF APPEALS
RICHARD D. CARNEY MUNICIPAL OFFICE BUILDING
100 MAPLE AVENUE
SHREWSBURY, MASSACHUSETTS 01545-5398

May 17, 2004

PUBLIC HEARING: Brian W. Horne, 9 Miles Avenue, Shrewsbury, MA.

PURPOSE: To hear the appeal of Brian W. Horne, 2 Miles Ave., Shrewsbury, MA, for variances to the Town of Shrewsbury Zoning Bylaw, Section VII, Table II, Minimum Front and Rear Yard Requirements, Residence B-2 District, to allow the construction of an addition 29 ft. and 14 ft. from the front and side lot lines, respectively, of property located at 9 Miles Ave. The subject premises is described on the Shrewsbury Assessor's Tax Plate 31 as Plot 260.

PRESENT: Anthony M. Salerno, Chairman, Paul M. George, Melvin P. Gordon, Ronald I Rosen, David A. L'Ecuyer and Ronald S. Alarie, Building Inspector.

Mr. Salerno opened the hearing by reading the advertisement as it appeared in the Worcester Telegram on April 12, 2004 and April 19, 2004.

Mr. Salerno: Please identify yourself for the audio record and make your presentation.

Mr. Horne: My name is Brian Horne.

Ms. Horne: I'm Michelle Horne.

Mr. Horne passed out information to the board members.

Mr. Horne: I have pictures of the existing land. We're looking to do a 2-car garage that would be attached to one of the sides of that house with a living space above it. You can see that we're going to be taking away one existing bedroom and adding 2 new ones. We would also be adding a bathroom and a 2-car garage. Basically, we are going to be having it for storage and a growing family. I need more room.

Mr. Alarie: The board will note that, on the survey plan that you have, there was actually a variance granted in 1986 to allow the construction of the existing structure on this particular lot. You can see that it is only 70 ft. in depth. At that time, the board granted variances for these same setbacks to allow the construction of the 2-family home on that property. It has sufficient area and it has sufficient frontage, more than sufficient frontage. However, it didn't have the depth to accommodate the structure. That was the relief that was previously granted. That does not qualify as a legal nonconforming structure because it was done by variance and that is why he has to seek variances again, rather than the special permits where he's maintaining those existing front and rear yard setbacks.

Mr. Gordon: Do you own the duplex or just half of it?

Mr. Horne: I do not own it. My family owns it. Future plans are that I'm looking to purchase it down the road.

Mr. Salerno: Who owns it today?

Mr. Horne: My father, my parents.

Mr. Salerno: You rent it?

Mr. Horne: Yes.

Mr. Rosen: When was the original variance granted, Ron?

Mr. Alarie: In 1986.

Mr. Salerno: It's certainly long enough.

Mr. Alarie: If you can see on the tax maps, the land to the rear, I believe, is all town owned land. It goes up to Oregon Ave., which is at a much higher elevation than Miles Ave. Miles Ave. kind of drops off from North Quinsigamond Ave. as well. This is at the base of that downgrade.

Mr. George: Is North Shore School up there?

Mr. Alarie: Yes, way up on the top right corner of your tax maps. It would be up in that vicinity.

Mr. Gordon: Parker Road is where?

Mr. Alarie: You can see Parker Road up at the top of the Tax Map.

Mr. Gordon: So, your saying, Ron, the town owns which lots?

Mr. Alarie: It owns 239 and 240. I'm not quite sure about 143. I believe we do own that one as well, but I'm not entirely sure.

Mr. Salerno: Wouldn't it be shown on the abutters list?

Mr. Alarie: Yes, you would have it shown on the list in your file.

Mr. Gordon: I just wanted to know 240, 239 & 143. Are those town parcels?

Mr. Rosen: They're all town parcels.

Mr. Gordon: Okay.

Mr. Salerno: Do any board members wish to inquire?

Mr. Gordon: Are you changing the breezeway? Is that where your front door is going to be or is the front door going to remain where it is?

Mr. Horne: There will be an entrance which will be mostly used right where the breezeway is now.

Mr. Gordon: The garage is going to be at ground level and the living above it?

Mr. Horne: Yes.

Mr. Gordon: Okay, I have no other questions.

Mr. Salerno: You're going to have to move your service connection.

Mr. Horne: Yes.

Mr. Salerno: Is there anybody in attendance this evening that wants to comment on this petition? Seeing no further comment, we'll take the matter under advisement, vote at the end of the meeting and notify you of our decision.

The decision of the board is on the following page.

Decision

On April 27, 2004, the Shrewsbury Zoning Board of Appeals unanimously voted to grant the appeal of Brian W. Horne, 2 Miles Ave., Shrewsbury, MA, for variances to the Town of Shrewsbury Zoning Bylaw, Section VII, Table II, Minimum Front and Rear Yard Requirements, Residence B-2 District, to allow the construction of an addition 29 ft. and 14 ft. from the front and side lot lines, respectively, of property located at 9 Miles Ave.

There is an existing two family dwelling situated upon the subject parcel that was constructed in accordance with a variances issued in April of 1986 at which time relief was provide from the minimum front and rear yard setback requirements. The appellant proposes to construct an addition to the easterly side of this structure that would maintain its existing front and rear yard setbacks of 29 ft. and 14 ft., respectively.

Upon review of this appeal, the board noted that, as previously determined in their 1986 decision, the configuration of this parcel, which is only 70 ft. in depth, creates an undue hardship for the appellant in his attempt to expand one of the existing dwelling units situated thereon. They further noted that this is the last lot on Miles Ave., that the rear of the property abuts a large tract of town owned land and that many of the other homes within this neighborhood are nonconforming in terms of their various setbacks. It was their opinion that, in this instance, the construction of the proposed addition would not conflict with the intent of the bylaw or create any condition which would adversely affect the welfare of either the general public or area residents. It was, therefore, unanimously voted to grant the appeal as presented to the board.

Vote

Mr. Salerno	Yes
Mr. George	Yes
Mr. Gordon	Yes
Mr. Rosen	Yes
Mr. L'Ecuyer	Yes

PUBLIC HEARING: George J. Army, 25 Stoneland Road, Shrewsbury, MA.

PURPOSE: To hear the appeal of George J. Army, 25 Stoneland Road, Shrewsbury, MA, for special permits as required by the Town of Shrewsbury Zoning Bylaw, Section VI, Table I, and Section IV, Subsection B, to allow the construction of a second story addition upon property located at 25 Stoneland Road maintaining the existing setbacks of said property and to allow its occupancy as an in-law apartment. The subject premises is described on the Shrewsbury Assessor's Tax Plate 45 as Plot 248.

PRESENT: Anthony M. Salerno, Chairman, Paul M. George, Melvin P. Gordon, Ronald I Rosen, David A. L'Ecuyer and Ronald S. Alarie, Building Inspector.

Mr. Salerno opened the hearing by reading the advertisement as it appeared in the Worcester Telegram on April 12, 2004 and April 19, 2004.

Mr. Salerno: Please identify yourself for the audio record and make your presentation.

Mr. Army: George Army. I just have a few pictures.

Mr. Army presented the pictures to the board.

Mr. Army: I would pretty much like to remove the second floor of my house. It now has 2 bedrooms up there. It's a vaulted ceiling. The ceiling height right now is only 6 ft. It's pretty much useless space. I would like to construct an in-law apartment maintaining the existing setbacks. It would contain a bathroom, a kitchen, a bedroom, a living room and a mudroom. Visually, from the outside of

the house, the second floor, for the most part, will look like the first except for the second stairway that will be in the front of the house.

The reason for construction of the in-law apartment is because I live with my father. I would like to have a little privacy of my own. He would be living on the first floor and I would be on the second. Also, there was a permit required because the house was only set back 16 ft. from the road and Ron told me that I needed 30 ft. So, those are the 2 permits that I'm applying for.

Mr. Gordon: Ron, does he have to file with the conservation commission?

Mr. Alarie: No, I don't believe so. Since there's no ground disturbance, that's not required.

Mr. L'Ecuyer: So, it's the same footprint, you are just going up?

Mr. Army: Yes.

Mr. Gordon: It looks like there was a front patio or porch in the front. Will you be coming out to that or will you be using the house line as it is now?

Mr. Army: The house line as it is now. The front porch was an add-on.

Mr. Gordon: So, that's come off already?

Mr. Army: Yes, that actually fell off.

Mr. Gordon: Do you intend to do anything to improve the small garage to the left of the house?

Mr. Army: Our plans are to remove it.

Mr. Gordon: Okay.

Mr. Salerno: Why would you need relief? Do you have enough room to put the addition on the side or the rear and still be in conformity with the side yard and rear yard setbacks?

Mr. Army: I'm not sure of it. I kind of like the big yard. It's a big lot.

Mr. Gordon: This is B-2, right?

Mr. Alarie: That's correct.

Mr. Gordon: Why wouldn't you make this a duplex as opposed to the limits of an in-law apartment?

Mr. Alarie: I think the lot is a little bit short of the 16,000 sq. ft. as a 2-family lot if my memory serves me correctly.

Mr. Gordon: So, you need a variance for that.

Mr. Alarie: Well, the bylaw says you can use a preexisting nonconforming lot for any use that it's zoned for as long as you comply with all of the requirements of the bylaw. Since this structure does not comply, he can't take advantage of that provision of the bylaw. So, that's why he's seeking a permit for an in-law apartment.

Mr. Salerno: It doesn't comply because of the frontage, the setback?

Mr. Alarie: Yes, the setback.

Mr. Salerno: So, your reason, sir, for not going in the space that you have is aesthetics?

Mr. Army: I don't understand what you mean?

Mr. Salerno: You want to put an addition on?

Mr. Army: Yes, going up.

Mr. Salerno: Would he have enough room if he came off of the rear and went to the north side?

Mr. Alarie: I think he would be hard pressed coming off to the rear where that area is sloped. He's got the wetlands there. I don't know if he could meet the 40 ft. rear yard requirement because the lot really does narrow down quite quickly.

Mr. Salerno: Do any board members wish to inquire? Is there anybody in attendance this evening that wants to comment on this petition? Sir, would you just identify yourself because the audio record doesn't know who you are and then direct your comments.

Mr. Goodness: My name is Paul Goodness. I live at 36 Stoneland Road. I'm a neighbor of Mr. Army. I just wanted to say that Mr. Army and his father have been making improvements on their property all along. They maintain their property. I'm in favor of this. It's consistent with the rest of the neighborhood. There are many 2-story homes on the street. As far as the setbacks go, on that side of the street there is the limitation of the wetlands and that. So, I think it would be rather difficult for him to add anything to the back. So, I don't see anything wrong or detrimental to the neighborhood if he adds a second story. It's consistent with the aesthetics and it doesn't cast a shadow on any of his neighbors because of his location. So, I just want to go on record as being in favor of his getting approval to make this addition.

Mr. Salerno: Thank you, sir. Thank you for coming. Is there anybody else who would like to speak? Seeing no further comment, we'll take the matter under advisement, vote at the end of the meeting and notify you of our decision.

You understand the restrictions as to who can occupy this?

Mr. Army: No. I'm occupying the upstairs and my father will be living downstairs.

Mr. Salerno: Who owns the house as it currently stands?

Mr. Army: Me and my father.

Mr. Salerno: The deed is in both your names?

Mr. Army: Yes.

Mr. Salerno: You understand that there are restrictions on who can occupy an in-law apartment?

Mr. Army: Yes.

Mr. Salerno: All right. We will notify you of our decision.

Decision

On April 27, 2004, the Shrewsbury Zoning Board of Appeals unanimously voted to grant the appeal of George J. Army, 25 Stoneland Road, Shrewsbury, MA, for special permits as required by the Town of Shrewsbury Zoning Bylaw, Section VI, Table I, and Section IV, Subsection B, to allow the construction of a second story addition upon property located at 25 Stoneland Road maintaining the existing setbacks of said property and to allow its occupancy as an in-law apartment.

The subject property is located on the northerly side of Stoneland Road approximately halfway between South Quinsigamond Ave. and where it dead-

ends at the shoreline of Lake Quinsigamond. The lot has 200 ft. of frontage and its depth narrows from 136 ft. to 93 ft. across its width. It drops in elevation from the grade at Stoneland Ave. down to its rear lot line where the site borders a large marsh area. Due to the lot's configuration and its topography, the existing structure was placed close to the road. The second story of Mr. Army's home has very low ceilings and he proposes to remove this part of the structure and construct a full second story that would be occupied as an in-law apartment.

Upon review of this appeal, the board found that the reconstruction of the second floor area of the existing dwelling maintaining its existing front yard setback would not materially alter its nonconforming features or create any condition that would adversely impact the welfare of area residents. It was their opinion that the completed structure would compliment the general character of other homes in this neighborhood and that the occupancy of the second floor area as an in-law apartment was in harmony with the general intent of the bylaw in permitting such accessory living accommodations within a single family dwelling. It was, therefore, unanimously voted to grant the appeal as presented to the board.

Vote

Mr. Salerno	Yes
Mr. George	Yes
Mr. Gordon	Yes
Mr. Rosen	Yes
Mr. L'Ecuyer	Yes

PUBLIC HEARING: LK Properties, LLC/Chris Prefontaine, 22 Vega Drive, Shrewsbury, MA.

PURPOSE: To hear the appeal of LK Properties, LLC/Chris Prefontaine, 16 Coachman Ridge Road, Shrewsbury, MA, for a special permit as required by the Town of Shrewsbury Zoning Bylaw, Section IV, Subsection B, to allow the construction of a garage and a second story addition upon property located at 22 Vega Drive maintaining the existing setbacks of said property. The subject premises is described on the Shrewsbury Assessor's Tax Plate 16 as Plot 174.

PRESENT: Anthony M. Salerno, Chairman, Paul M. George, Melvin P. Gordon, Ronald I Rosen, David A. L'Ecuyer and Ronald S. Alarie, Building Inspector.

Mr. Salerno opened the hearing by reading the advertisement as it appeared in the Worcester Telegram on April 12, 2004 and April 19, 2004.

Mr. Salerno: Please identify yourself for the audio record and make your presentation.

Mr. Prefontaine: Sure, I'm Chris Prefontaine and I'm a resident in Shrewsbury. Part of the package was not there. It's just a conceptual plan of what we're proposing to do there.

Mr. Prefontaine passed out plans to the board members.

Mr. Prefontaine: It shows the existing ranch footprint. We're going up, not out, and then putting a garage under to the right side of the addition. The present driveway comes up to the left of the house. It's rather steep, so we're going to put a garage under it to make it a little more accessible to the driveway. If you look at the existing plan, there's teeny bit of a corner of the existing house that juts inside the 30 ft. setback. That's why I submitted the appeal.

Mr. Salerno: Do you own the property?

Mr. Prefontaine: We close on it May 17th.

Mr. Salerno: So, you're purchasing it? You're not going to occupy it?

Mr. Prefontaine: No.

Mr. Salerno: So, you're purchasing it and you're going to make these additions and changes to it?

Mr. Prefontaine: Right.

Mr. Salerno: And then sell it?

Mr. Prefontaine: Right.

Mr. Salerno: What's your hardship?

Mr. Prefontaine: The only thing I saw, Tony, was the corner of the house jugged out so that I couldn't do anything with that. I don't know if this ever came before you guys when they built that years ago, but if you look at this print, the whole thing stays inside the 30 ft. except for this little corner here. I don't know if it was engineered incorrectly prior to me, but I don't want any trouble with it.

Mr. Alarie: This was built under a previous bylaw where there was only a 25 ft. front yard setback. I would just point out that the appeal is for a special permit for that vertical extension of that nonconforming setback.

Mr. Gordon: Are you going to remove the driveway on the left-hand side of the house?

Mr. Prefontaine: Yes, it's going to be lawn there.

Mr. Rosen: Is there currently a garage on the property?

Mr. Prefontaine: No.

Mr. Rosen: No?

Mr. Prefontaine: The driveway on the lot just comes up to the door.

Mr. Gordon: So, you're going to take out the whole slope on that side of the house?

Mr. Prefontaine: Yes, on the right side. We'll use some of the material on the left side to re-grade it a bit. But yes, that will come out.

Mr. George: Ron, what's the side yard setback?

Mr. Alarie: Ten feet.

Mr. Salerno: Is the garage part of this appeal?

Mr. Alarie: The garage is in conformance with all of the setbacks.

Mr. L'Ecuyer: Ron, is the new addition portion in compliance with the existing home?

Mr. Alarie: The existing home, the right front corner that shows to be about 1.5 ft. beyond the front setback line, is nonconforming and going up with that 2nd story addition maintaining that setback is the only issue.

Mr. Salerno: It's only the 2nd story that we are reviewing?

Mr. Rosen: This is just a special permit then?

Mr. Alarie: Correct.

Mr. Rosen: For the whole thing including the garage?

Mr. Alarie: Yes.

Mr. Salerno: Do any board members wish to inquire? Is there anybody in attendance this evening that wants to comment on this petition? Seeing no further comment, we'll take the matter under advisement, vote at the end of the meeting and notify you of our decision.

The decision of the board is on the following page.

Decision

On April 27, 2004, the Shrewsbury Zoning Board of Appeals unanimously voted to grant the appeal of LK Properties, LLC/Chris Prefontaine, 16 Coachman Ridge Road, Shrewsbury, MA, for a special permit as required by the Town of Shrewsbury Zoning Bylaw, Section IV, Subsection B, to allow the construction of a garage and a second story addition upon property located at 22 Vega Drive maintaining the existing setbacks of said property.

The appellant proposes to add a second story upon the single family dwelling situated upon the subject property and to also construct a single story addition to its westerly side. The front wall of this structure is at a slight angle to the road and approximately 15 sq. ft. of its right corner projects, at its closest point, 1.5 ft. into the minimum 30 ft. front yard setback. The second story addition would maintain this existing nonconforming setback and the second addition would comply with all applicable setbacks.

Upon review of this appeal, the board concluded that the proposed expansion of this residence would not materially alter its nonconforming status or create any condition that would be harmful or detrimental to the welfare of area residents. It was their opinion that the completed structure would compliment the general character of other homes within this neighborhood, some of which have been similarly altered, and it was, therefore, unanimously voted to grant the appeal as presented to the board.

Vote

Mr. Salerno	Yes
Mr. George	Yes
Mr. Gordon	Yes
Mr. Rosen	Yes
Mr. L'Ecuyer	Yes

PUBLIC HEARING: Robert and Sheila Birney, 33 Bruce Ave., Shrewsbury, MA.

PURPOSE: To hear the appeal of Robert and Sheila Birney, 33 Bruce Ave., Shrewsbury, MA, for a special permit as required by the Town of Shrewsbury Zoning Bylaw, Section IV, Subsection B, to allow the construction of a second story addition upon property located at 33 Bruce Ave. maintaining the existing setbacks of said property. The subject premises is described on the Shrewsbury Assessor's Tax Plate 22 as Plot 404.

PRESENT: Anthony M. Salerno, Chairman, Paul M. George, Melvin P. Gordon, Ronald I Rosen, David A. L'Ecuyer and Ronald S. Alarie, Building Inspector.

Mr. Salerno opened the hearing by reading the advertisement as it appeared in the Worcester Telegram on April 12, 2004 and April 19, 2004.

Mr. Salerno: Please identify yourself for the audio record and make your presentation.

Mr. Birney: My name is Robert Birney. This is my wife.

Ms. Birney: I'm Sheila Birney.

Mr. Birney: We're applying for a special permit. It's our understanding that that's what this is. Our plans are to take our ranch, which was probably built sometime in the early 50's and go up, put a second story on it, move all of the bedrooms upstairs and gain a bunch of living space downstairs. It's a classic ranch right now and I use the word "classic." So, there's a living area that just opens into the kitchen area with a very small dining area.

Because of the age of the house, we are within the front setback. It is our understanding that any improvement, going up or altering that roofline, requires us to ask for a special permit. The street itself was developed in phases. There are capes, colonials and splits. We're the last ranch on the street closest to the end of the cul-de-sac, which is where all the splits and colonials are. So, I think that the style of the house would be in keeping with the neighborhood as well.

Mr. George: What are you adding upstairs, 3 bedrooms?

Mr. Birney: It will be 4 bedrooms. It's has 3 bedroom right now. We've got 3 children, so everyone will get a bedroom and then there will be 2 baths.

Mr. L'Ecuyer: So, this will be a colonial?

Mr. Birney: Yes.

Mr. George: Do you have any plans of what you are going to be doing, any sketches?

Mr. Birney: Yes. We submitted them. We have an extra set here.

Mr. Birney passed the plans to the board.

Mr. Salerno: You folks live there? How long have you owned it?

Mr. Birney: We've been here since 1988.

Mr. Gordon: Have you done a lottery for the bedrooms?

Ms. Birney: It's all ruled by the 11 year old. She made the executive decisions for all of her siblings.

Mr. Birney: There is no change to the existing footprint. We're just going up.

Ms. Birney: Actually, on the existing ranch as it is today, there's actually a deck on the front. In removing that deck and putting on a covered entry, we would actually protrude less towards the street than we currently do with the deck that's on the front.

Mr. Salerno: Do any board members wish to inquire? Is there anybody in attendance this evening that wants to comment on this petition? Seeing no further comment, we'll take the matter under advisement, vote at the end of the meeting and notify you of our decision.

The decision of the board is on the following page.

Decision

On April 27, 2004, the Shrewsbury Zoning Board of Appeals unanimously voted to grant the appeal of Robert and Sheila Birney, 33 Bruce Ave., Shrewsbury, MA, for a special permit as required by the Town of Shrewsbury Zoning Bylaw, Section IV, Subsection B, to allow the construction of a second story addition upon property located at 33 Bruce Ave. maintaining the existing setbacks of said property.

The board reviewed the appellants' plans to construct a second story addition to their home which would maintain the property's existing front yard setback of 24.4 ft. from Bruce Ave. and found that the expansion of this structure, as proposed, would not materially alter its nonconforming features. They noted that there are a mix of housing styles along Bruce Ave. and were of the opinion that the completed dwelling would compliment the general character of this neighborhood. It was, therefore, unanimously voted to grant the appeal as presented to the board.

Vote

Mr. Salerno	Yes
Mr. George	Yes
Mr. Gordon	Yes
Mr. Rosen	Yes
Mr. L'Ecuyer	Yes

PUBLIC HEARING: Ralph Anderson, 100 Lake Street, Shrewsbury, MA.

PURPOSE: To hear the appeal of Ralph Anderson, 100 Lake Street, Shrewsbury, MA, for a variance to the Town of Shrewsbury Zoning Bylaw, Section VII, Table II, Minimum Front Yard Requirement, Residence B-1 District, and for a special permit as required by Section IV, Subsection B, to allow the construction of an addition upon property located at 100 Lake Street with said addition situated 18 ft. from the sideline of Roger Street and maintaining the existing structure's front yard setback from Lake Street. The subject premises is described on the Shrewsbury Assessor's Tax Plate 33 as Plot 275.

PRESENT: Anthony M. Salerno, Chairman, Paul M. George, Melvin P. Gordon, Ronald I Rosen, David A. L'Ecuyer and Ronald S. Alarie, Building Inspector.

Mr. Salerno opened the hearing by reading the advertisement as it appeared in the Worcester Telegram on April 12, 2004 and April 19, 2004.

Mr. Salerno: Please identify yourself for the audio record and make your presentation.

Mr. Anderson: Good evening. My name is Ralph Anderson. I live at 100 Lake Street with my wife Marcia. We've been owners of the house for 38 years, excuse me, 37 years. The purpose of my coming before you this evening is that my wife and I would like to make a small addition to the house to make it more comfortable in our senior years.

What we're proposing is a 1 story, 12 ft. addition to the north side of our house facing Roger Street. Our lot is a corner lot and both the size and the shape of the lot are nonconforming to the current zoning. Because of the shape of the northern boundary of our lot, the number of feet to the property line from my proposed addition goes from 9.5 ft. to 25.5 ft. as shown in Exhibit 1. Our house is in keeping with the other houses on the street. I have talked with the neighbors. No one has objected to this. This proposed addition would have no impact on the abutting property owners. I've given you those 2 exhibits which roughly, conceptually show what I'm planning to do.

The first exhibit is a copy of the plot plan for which I've shown the proposed addition. You can see the unevenness of our lot and the angle of the intersection with Roger Street on our northern property line.

The second handout reflects the proposed floor plan for the addition. It would include the addition of a new 12 ft. x 13 ft. room which we're planning to use as a den so that we can use the adjoining room strictly for a dining room. Every time

we have our grandchildren over, or some kind of family gathering, we've got to pull out the dining room, put the TV against the wall in order to accommodate our increasing family. The other half of the addition would be to extend the existing bedroom so that we can put 2 adjustable beds in there. My wife and I both have health problems. So, right now, I'm sleeping upstairs and she's sleeping downstairs.

In summary, this proposed addition would allow us, hopefully, to live more comfortably for rest of our lives here in Shrewsbury. We've looked around as far as selling and getting something else. It's a little out of our price range. So, I thank you for your time and consideration.

Incidentally, there's one other point that I would like to make. I measured today and, from the front of the house in 3 places to the town sidewalk on Lake Street, there is only 25 ft. Since they widened the road in the 70s and put the sidewalk in, I guess it was already town land. But, anyways, that's my presentation. Do you have any questions or comments?

Mr. Salerno: Do any board members wish to inquire? Is there anybody in attendance this evening that wants to comment on this petition? Seeing no further comment, we'll take the matter under advisement, vote at the end of the meeting and notify you of our decision.

The decision of the board is on the following page.

Decision

On April 27, 2004, the Shrewsbury Zoning Board of Appeals unanimously voted to grant the appeal of Ralph Anderson, 100 Lake Street, Shrewsbury, MA, for a variance to the Town of Shrewsbury Zoning Bylaw, Section VII, Table II, Minimum Front Yard Requirement, Residence B-1 District, and for a special permit as required by Section IV, Subsection B, to allow the construction of an addition upon property located at 100 Lake Street with said addition situated 18 ft. from the sideline of Roger Street and maintaining the existing structure's front yard setback from Lake Street..

The appellant's property is located at the corner of Lake Street and Roger Street and he proposes to construct an addition to the northerly side of his home that would extend to within 18 ft. of the southerly sideline of Roger Street, at its closest point, and maintain the existing front yard setback from Lake Street. The parcel is nonconforming with respect to its size and the existing structure's front yard setbacks from each of the aforementioned streets.

Upon review of this appeal, the board found that the construction of the proposed addition would neither materially change the nonconforming features of this property nor would the reduction of the existing setback to Roger Street seriously depart from the intent of the Zoning Bylaw. They found that both the size and configuration of this parcel unduly constrain Mr. Anderson's ability to expand his home and that the imposition of the minimum terms of the bylaw, in this instance, impose a significant hardship to that end. It was their opinion that the expansion of his home, as proposed, would not adversely impact the welfare of either the general public or area residents and it was, therefore, unanimously voted to grant the appeal as presented to the board.

Vote

Mr. Salerno	Yes
Mr. George	Yes
Mr. Gordon	Yes
Mr. Rosen	Yes
Mr. L'Ecuyer	Yes

PURPOSE: To hear the appeal of Robert G. Murphy, 84 Lakeside Drive, Shrewsbury, MA, for a special permit as required by the Town of Shrewsbury Zoning Bylaw, Section IV, Subsection B, to allow the removal of the single family dwelling situated upon property located at 35 Bay View Drive and its replacement with a new single family dwelling maintaining the existing setbacks of said property. The subject premises is described on the Shrewsbury Assessor's Tax Plate 57 as Plot 21.

PRESENT: Anthony M. Salerno, Chairman, Paul M. George, Melvin P. Gordon, Ronald I Rosen, David A. L'Ecuyer and Ronald S. Alarie, Building Inspector.

Mr. Salerno opened the hearing by reading the advertisement as it appeared in the Worcester Telegram on April 12, 2004 and April 19, 2004.

Mr. Salerno: Please identify yourself for the audio record and make your presentation.

Mr. Murphy: My name is Robert Murphy. I have with me Fern Nissim. Tonight we're applying to you for a special permit to remove an existing house at 35 Bay View Drive and replace it with a single family house in such a manner that we do not change the setbacks of the property. I have with me some section views which will give you an idea of what we're proposing.

Mr. Murphy presented the views to the board.

Mr. Murphy: The existing building is a single story structure with a truss roof. What we're proposing to do is to replace it with a single family house, 2-story structure with a Victorian façade on the front. We've taken a look at the height requirements. You'll see that there's a turret that's shown on one side, a Victorian turret. That will not exceed the 35 ft. height limit.

Mr. Salerno: Can I just interrupt you for just a minute? Can you identify the interest that both parties have in this property? Are you the property owner, the contractor?

Mr. Murphy: We're both property owners. We purchased the property with plans to either move in when it's completed or perhaps rent it or possibly sell it. We presently live in the Edgemere community at 84 Lakeside Drive.

Mr. Salerno: Thank you, I'm sorry.

Mr. George: How large is this building going to be?

Mr. Murphy: It's a 2-story structure.

Mr. George: Square-foot wise?

Mr. Murphy: It's going to be approximately 62 ft. x 24 ft. That includes a drive-in 2-car garage from the front. The garage itself is 24 ft. x 24 ft. The footprint is approximately 24 ft. by about 42 ft.

Mr. George: How about that little jog that comes out? Is that wider down at the far right-hand side?

Mr. Murphy: It's about 3 ft. wider.

Mr. George: That's only a 2-story building, right?

Mr. Murphy: Well, it's a 2-story building, but with a Victorian turret. We have a façade that is on the front. This is looking at the building from the front. It's a 2 story building with a garage. This is 24 ft. here. The portion that you see in the front is actually the porch. It's a round porch that comes around to here.

Mr. George: This area sticks out more than this section.

Mr. Murphy: Right, right. It comes out about 4 ft. There's probably about a 10 ft. diameter here.

Mr. George: Okay.

Mr. Murphy: Three feet from the front. The idea of the turret is really for the Victorian feel. It's not really an entire roofline itself.

Mr. Alarie: That roofline is actually well within the height restriction. The maximum height of 35 ft. on a pitched roof like that is measured to the mid point between the peak and the soffit lines. So, it's not at the maximum. It's still well below the maximum height requirement.

Mr. Gordon: The spear doesn't count?

Mr. Alarie: It does, but again, the actual building height is measured or defined by the bylaw as the height from ground level to the mid point between the soffit and the point of that turret.

Mr. Gordon: Mr. Murphy, is this going to be connected to sewerage? Is the current house?

Mr. Murphy: Yes. The present house has sewerage and public water. What we've shown on the site plan is to, in fact, connect to the existing pipes. The house is to be designed so that we don't have to cut up the street or anything. We can tie directly into the pipes that are there.

Mr. Salerno: What is the hardship that you are claiming?

Mr. Murphy: The hardship is basically that the existing house right now, because of the erosion in the back, the back portion of the house is separated from the main house. You have rooms that are moving towards the lake. When we purchased the house, we had to fill in the wall. The back portion of the house is separated by about 3 in. The whole foundation has settled. It's essentially sliding into the lake, slowly, because of the erosion. There was a retaining wall in the back that was made of brick. It has collapsed. The house itself is in dire need of removal.

Mr. George: Are you going to be using any part of the old house foundation?

Mr. Murphy: We can use the same elevation of the first floor. There are some parts of the floor that could be utilized. The house itself is riddled with termites. The foundation is in need of repair. What we found is that, rather than try to repair the house, it was more costly than to take it down and replace it.

Mr. Salerno: Did you already purchase this?

Mr. Murphy: Yes, we own the house outright.

Mr. Salerno: Did you know this before you bought it?

Mr. Gordon: This is a special permit with no variances.

Mr. Salerno: A special permit to take it down and replace it, essentially. You knew that when you bought it.

Mr. Murphy: Oh, yes. Well, we were aware of it when we bought it. The setbacks on the front right now it's 14 ft. We'll be bringing it back to approximately 25 ft. So, we'll be increasing the front setback. We'll be maintaining the rear setback of 39 ft.

Mr. Salerno: How much difference is the square footage of the house that you're taking down and the house that you're putting up?

Mr. Murphy: I would say that we would be doubling the square footage. One thing to be noted on this is that the present home is essentially on two 50 ft. frontage lots that were combined by the previous owner. The house is on one of the 50 ft. lots and there isn't a house on the other lot at all. The idea is to centrally locate this building on the entire 100 ft. frontage and put landscaping on either side so that you actually have the appearance of moving it over. It's going to be centered on the lot.

Mr. Salerno: The other lot's not buildable.

Mr. Murphy: Pardon me?

Mr. Salerno: The other lot's not buildable.

Mr. Murphy: As a single lot, right. The lots were combined when the zoning changed.

Mr. Salerno: Do any board members wish to inquire? Ron, there's a letter in here or an email?

Mr. Alarie: Yes, we received one from Mr. Vokes.

Mr. Salerno: It just ends it sincerely at the bottom, but the caption above says Vokes, Chris.

Mr. Alarie: Right.

Mr. Salerno: Okay. Is there somebody here that wants to comment on this petition? Do you have anything to say Mr. Vokes?

Mr. Vokes: Well, I had some concerns about the plan.

Mr. Salerno: Do you want to address the board is the question I had for you.

Mr. Vokes: Aside from what's in the letter or including what's in the letter?

Mr. Salerno: Well, I'm going to circulate the letter to the board members. Do you want to address the board? We have to just put your name on the record so that we'll know who's speaking and then you can say whatever you want.

Mr. Vokes: Sure. Chris Vokes, 32 Bay View Drive. I'm an abutter.

Mr. Salerno: Okay. Tell us what your concerns are.

Mr. Vokes: Basically, I'm just concerned that there were some cedar bushes proposed along the lot line between the 2 properties. Right now, that might block someone's view. It appeared that they would be close to the street and might block the view of children crossing the street. The neighbor's children cross the street. My kids come out and look right and left, east and west, down the street. We have some cars that come by at a high rate of speed. So, that might jeopardize their vision and also for someone backing out of our driveway and looking down the street to see if somebody is coming. Whoever is going to be living in this house will be doing the same thing. So, it would benefit both properties if any fences or bushes or anything, I didn't see any fences proposed, would be put maybe 10 ft. back from the street.

Mr. Salerno: So, just to summarize, your concerns are, if this house were approved and approved by the plans you reviewed, you have some concerns about the landscaping and the placement of different shrubs obstructing views?

Mr. Vokes: Yes.

Mr. Salerno: Thank you, Mr. Vokes. Would anybody else this evening want to comment? Ma'am, would you just state your name for the record?

Ms. McGee: My name is Leta McGee. I'm a neighbor across the street at 42 Bay View Drive. I'm delighted that there's going to be a new home. I do have a question for the board. I really didn't know where to seek for the answer. There was a right-of-way between the 2 properties to the lake that my children and my grandchildren have been using. I'm wondering if that is going to be off or what is the town's feeling on the right-of-ways now to the lake?

Mr. Salerno: Well, I have a plot plan. All I can tell you is that the part of Plate 57 that we have in front of us doesn't show any right-of-way.

Mr. Alarie: I would just say that, generally, that would be a private matter. The town would have no interest or enforcement authority. Those right-of-ways are generally private to the parties that have rights to access those strips of land.

Ms. McGee: I know that in years past that it was allotted to "x" number of households that were given use of the lake through right-of-ways. I know there's a long area in Edgemere and litigation going on now. So, I am really curious as to how I could research that or if right-of-ways were allotted by the town. That's gone by the board?

Mr. Alarie: The rights aren't deeded by the town. Those rights were deeded by the original property owner to those people that purchased the land or lots within the Edgemere area. I would just suggest to you that you consult your own attorney because, as I say, it's a private legal matter.

Ms. McGee: So, that would be something that passed from home seller to the buyer.

Mr. Salerno: It would be incorporated in the deeds is what Mr. Alarie's telling you. The town does not put those right-of-ways in place.

Ms. McGee: So, this was something that was set up years ago by the individual owners on the lake?

Mr. Salerno: The only way that it could be set up is to be put into a deed. So, your deed would have to reference it.

Ms. McGee: I'm just looking at the history of it and if they are, in fact, there. Your claim is that they are between buyer and seller or neighbor?

Mr. Salerno: Well, it would run with the land if they were put in or extinguished by deeds. If these people purchased a piece of land, then on their report and title history there will be a notation there as to a right-of-way. I can tell you that, looking at the survey plans and the plans that are here, it doesn't show any right-of-ways. They normally will at least show striped lines. So, you can certainly go to the Registry of Deeds and research that and check your own deed to see if one exists.

Ms. McGee: No, I'm relying on your view of it.

Mr. Salerno: I'm not giving you a legal opinion on this. That's probably the best way of getting the answer.

Ms. McGee: Okay. I think it's more a curiosity question.

Mr. Salerno: But, as far as what's being proposed, you're in favor of it ma'am?

Ms. McGee: Yes, I am. I am concerned about the safety. There are a lot of children that play there and we do have some fears.

Mr. Salerno: Do you folks want to address that?

Mr. Murphy: Yes. First of all, relative to the landscaping, it's a point well taken as far as causing limitations to visibility for anybody on the roadway or whatever.

It's not our intention to do that. It is essentially to create a hedge along the property line as a definition for privacy or even just to show where the property line is. There is no intention to limit anyone's view.

Mr. Salerno: Is it your intention to occupy this after you develop this property?

Mr. Murphy: At this point, if we can financially make it work, we would like to occupy the house. We're designing it ourselves with the intent of living in it. We're working with an architect to design it. We both like Victorian style. We would like to retain it.

As far as the rights-of-way or encumbrances, I have researched the deed myself and there are no rights-of-way through the property. This was set up as two 50 ft. frontage lots which were combined when the zoning changed.

Mr. Salerno: That's what it looks like. Are there any further questions? Folks, thank you for coming. You people who offered your comments, I want to thank you again. We'll take the matter under advisement and notify you of our decision.

Decision

On April 27, 2004, the Shrewsbury Zoning Board of Appeals unanimously voted to grant the appeal of Robert G. Murphy, 84 Lakeside Drive, Shrewsbury, MA, for a special permit as required by the Town of Shrewsbury Zoning Bylaw, Section IV, Subsection B, to allow the removal of the single family dwelling situated upon property located at 35 Bay View Drive and its replacement with a new single family dwelling maintaining the existing setbacks of said property.

Upon review of this appeal, the board concluded that the removal of the residence currently situated upon this property, which is in a state of disrepair, and its replacement with a new dwelling centered upon the property would promote both the intent of the Zoning Bylaw as well as the interest of the other residents along this portion of Bay View Drive. They noted that new construction would provide a greater front yard setback than what presently exists and that its rear yard setback of 39 ft. only marginally departs from the required setback of 40 ft. It was their opinion that the completed structure would significantly enhance the subject premises, would compliment the general character of many of the other homes within this neighborhood and that the utilization of the existing setbacks to effect its construction would improve the property's nonconforming features. It was, therefore, unanimously voted to grant the appeal subject to the restriction that no plantings that will attain a mature height of more than 3 ft. or any fence, wall or similar structure shall be planted, erected or installed within 10 ft. of the front lot line of this parcel.

Vote

Mr. Salerno	Yes
Mr. George	Yes
Mr. Gordon	Yes
Mr. Rosen	Yes
Mr. L'Ecuyer	Yes

PUBLIC HEARING: James E. Murphy, Jr., 69 Bay View Drive, Shrewsbury, MA.

PURPOSE: To hear the appeal of James E. Murphy, Jr., 69 Bay View Drive, Shrewsbury, MA, for a variance to the Town of Shrewsbury Zoning Bylaw, Section VII, Table II, Minimum Side and Rear Yard Requirements, Residence B-2 District, and for a special permit as required by Section IV, Subsection B, to allow the construction of an addition upon property located at 69 Bay View Drive with said addition situated 4 ft. from the side lot line, 24 ft. from the rear lot line and maintaining the existing northerly side yard setback of said property. The subject premises is described on the Shrewsbury Assessor's Tax Plate 51 as Plot 67.

PRESENT: Anthony M. Salerno, Chairman, Paul M. George, Melvin P. Gordon, Ronald I Rosen, David A. L'Ecuyer and Ronald S. Alarie, Building Inspector.

Mr. Robert Murphy: I'm Robert Murphy, 35 Bay View Drive. There are two Murphy's on Bay View Drive. That's probably what may have caused the confusion during the previous hearing. I am representing James Murphy in his application to construct an addition to his existing single family home.

Mr. Salerno: Let me read it into the record.

Mr. Salerno opened the hearing by reading the advertisement as it appeared in the Worcester Telegram on April 12, 2004 and April 19, 2004.

Mr. Salerno: Thank you Misters Murphy. Make your presentation please.

Mr. James Murphy: I have copies to give to you.

Mr. Murphy passed out copies of elevations to the board members.

Mr. Gordon: Ron, I'm going to ask this question again. Will these 2 projects, this one and the one before, have to go before conservation?

Mr. Alarie: Most definitely.

Mr. Robert Murphy: Both projects have been before the conservation commission on last Tuesday. Public hearings were closed on both. We're waiting for the orders of conditions to be issued.

Mr. Salerno: Thank you, sir. Would you make your presentation please.

Mr. Robert Murphy: What we have here is an existing single family house. From the right side, there are several retaining walls, wooden retaining walls. What we're proposing is to essentially extend the house out 12 ft. and remove the first wooden retaining wall behind the house and replace that with a vers-a-lock block style wall that will be out approximately 10 ft. from the building and then continue with the existing wooden wall which is down closer to the water. So, it would be a step-down terrace affair towards the lake.

The roofline is to remain the same. There is no height change. Essentially, Jim's family is growing. They need a little bit more room in the house. They would like to stay in this location. So, their option is to grow the house with the family.

Our hardship is, essentially because of the way that the lot is shaped, it gets narrower as you approach the water. So, in order to extend the house 12 ft., we need to go from a 6.1 ft. side yard setback to a 4.5 side yard setback at the rear corner of the proposed addition. The distance to the lake itself is 25 ft. The northerly boundary is presently 6.7 ft. We're going to parallel that line. So, that setback line will not change. We're asking for a variance for a 4.5 ft. side yard setback and a setback to the lake.

Mr. Salerno: Will you be adding 2 bedrooms?

Mr. James Murphy: Correct.

Mr. Salerno: What are the bathroom facilities?

Mr. James Murphy: Right now, a full bath.

Mr. Salerno: One?

Mr. James Murphy: One full bath.

Mr. Salerno: There will be no additional bathrooms?

Mr. James Murphy: No. It's going to remain 1 bathroom.

Mr. Salerno: One bath and how many bedrooms?

Mr. James Murphy: Three. There is 1 existing bedroom now and we're going to add 2 more.

Mr. Salerno: This is on sewer?

Mr. James Murphy: Yes. We tied in a year and a half ago.

Mr. Rosen: How long have you owned the property?

Mr. James Murphy: Since 1989.

Mr. Gordon: Do you own Lot 68 or does another person?

Mr. James Murphy: No.

Mr. Gordon: So, it's not owned by you?

Mr. James Murphy: No, it isn't.

Mr. Gordon: Is it the Shaw's?

Mr. James Murphy: Yes, Mr. and Mrs. Shaw.

Mr. Murphy: They live across the street. They have this lot here.

Mrs. Shaw: Actually, I'm Mrs. Shaw.

Mr. Salerno: Did you want to make a comment, ma'am?

Mrs. Shaw: Jeanne Shaw, 72 Bay View Drive. We live across the street. We own the lot right next to Jim. I don't have any problems with him coming closer to the boundary line. I'm enjoying the improvements that will be made in the neighborhood so I don't have any problem with it at all. The lot across the street that we have is not a buildable lot. It gives us access to the waterfront and the beach that we have.

Mr. Salerno: Thank you Mrs. Shaw for taking the time and coming to express that.

Mr. Salerno: Would anybody else like to speak?

Mr. Gordon: It's a rear yard setback?

Mr. George: Ron, what's the rear yard setback?

Mr. Alarie: In this district, it's 40 ft.

Mr. Gordon: If the drawdown had happened, they would have had 40 ft.

Mr. Salerno: Seeing no further comment, we'll take the matter under advisement, vote at the end of the meeting and notify you of our decision.

Decision

On April 27, 2004, the Shrewsbury Zoning Board of Appeals unanimously voted to grant the appeal of James E. Murphy, Jr., 69 Bay View Drive, Shrewsbury, MA, for a variance to the Town of Shrewsbury Zoning Bylaw, Section VII, Table II, Minimum Side and Rear Yard Requirements, Residence B-2 District, and for a

special permit as required by Section IV, Subsection B, to allow the construction of an addition upon property located at 69 Bay View Drive with said addition situated 4 ft. from the side lot line, 24 ft. from the rear lot line and maintaining the existing northerly side yard setback of said property.

The board reviewed the appellant's proposal to construct a 12 ft. by 26 ft. addition to the rear of his home and found that there are several unique conditions affecting this site that would warrant the granting of this appeal. They noted that, first and foremost, the lot contains only 4,800 sq. of land and that it narrows considerably from its 50 ft. of frontage along Bay View Drive down to 35 ft. across the rear of the parcel where it abuts the shoreline of Lake Quinsigamond. Lastly, the footprint of the existing house is only about 830 sq. ft. and it is nonconforming with respect to both of its side yard setbacks. It was the board's opinion that, in this instance, the reduction of the rear yard setback where it abuts the lake and a 1.6 ft. reduction to the existing southerly side yard setback would not seriously depart from the intent of the Zoning Bylaw. They found that neither the granting of this relief nor the 12 ft. extension of the northerly side of Mr. Murphy's home maintaining its existing setback of 6.7 ft. would adversely impact the welfare of either the general public or of area residents. It was, therefore, unanimously voted to grant the appeal as presented to the board.

Vote

Mr. Salerno	Yes
Mr. George	Yes
Mr. Gordon	Yes
Mr. Rosen	Yes
Mr. L'Ecuyer	Yes

PUBLIC HEARING: J. Thomas Reardon, 33 Smith Road, Shrewsbury, MA.

PURPOSE: To hear the appeal of J. Thomas Reardon, 287 Park Ave., Worcester, MA, for a special permit as required by the Town of Shrewsbury Zoning Bylaw, Section IV, Subsection B, to allow the construction of an addition upon property located at 33 Smith Road maintaining the existing side yard setback of said property. The subject premises is described on the Shrewsbury Assessor's Tax Plate 51 as Plot 32.

PRESENT: Anthony M. Salerno, Chairman, Paul M. George, Melvin P. Gordon, Ronald I Rosen, David A. L'Ecuyer and Ronald S. Alarie, Building Inspector.

Mr. Salerno opened the hearing by reading the advertisement as it appeared in the Worcester Telegram on April 12, 2004 and April 19, 2004.

Mr. Salerno: Please identify yourself and your client for the audio record and make your presentation.

Mr. Reardon: My name is Tom Reardon. I'm with Benoit Reardon Architects. My clients are Richard and Gloria Walsh. They live at 33 Smith Road in Shrewsbury. We are here to appeal for the variance on the side setback. On the site plan here, here is Smith Road. The gray block is the existing structure. As it currently sits, it is not conforming on either side yard or at the front yard. So, it's in an existing nonconforming position. My clients would like to be able to get living space, including bedrooms, kitchen and bathrooms, all on one level because they have limited mobility. So, we are trying to make this handicap accessible so that they would be able to come into this new addition to create that living space on the main level.

On the floor plans, the gray, again, is the existing structure and the tan is proposed. The current residence is approximately 1,300 sq. ft. per floor. The proposed addition is about 750 sq. ft. So, it's about a 50 % increase.

This lower level has a kitchen, dining, sitting room and a porch. They now need to go upstairs to the main bedroom and living areas. So, what they're proposing is to add a ramp along the side to gain access to the new addition which would allow them to live on one level without the need to go up and down the stairs. These are the exterior views.

Mr. Salerno: Don't the exterior views show it as a 2-story?

Mr. Reardon: It currently is. It's built into the hillside, sloping down to the water. Yes, there are 2 existing floors.

Mr. Salerno: Okay. I'm sorry; I thought you said that you want to eliminate the need to go up and down stairs?

Mr. Reardon: They do. They want to be able to live primarily on the main level, come in from the street and come up with the ramp to the side so that they can stay on this level. They don't need the rear level except for maybe guests or children to return.

Mr. Salerno: Okay. Is there an issue with the side lot line between it says existing house 33 and existing house 35?

Mr. Reardon: The Walshes own both properties as well the one across the street. So, there's like a cul-de-sac here at the end.

Mr. Salerno: So, is that merged into one lot, Ron?

Mr. Alarie: That's considered all one property right now. It's a nonconforming feature basically having two residential structures on one property.

Mr. Salerno: How would that work for resale? Would they have to sell both of them at once?

Mr. Alarie: No. We have an escape clause in our bylaw that says that if you have two structures on a property, they could subdivide it. They would have to do it as equally as possible, irrespective of existing frontage and area requirements.

Mr. Gordon: I remember that last year we had that issue on Stoneland Road and we did turn that one down.

Mr. Alarie: We have some properties around the lake where we've had 2, 3, 4, or 5 houses on a single lot and they try to reconfigure the lots as equally as possible. The planning board is able to sign an Approval Not Required, an ANR Plan to accomplish that.

Mr. Salerno: Who lives in the house number 35?

Mr. Reardon: I believe this is rented now. Is that correct Brian? Brian is a son of the Walshes. This is rented and I believe they own another property across the street where your sister lives?

Mr. Walsh: Yes.

Mr. Gordon: There's a walkway to the water on the lower level and your parents won't be using that?

Mr. Reardon: You're on 33?

Mr. Gordon: On 33. Okay, so they'll be living on the main level. There's a basement level and the upper level will be for family that comes back?

Mr. Reardon: No, it's the reverse. They want to be on the upper level, primarily because they can get from the street to that level.

Mr. Gordon: The top level?

Mr. Reardon: Correct.

Mr. Gordon: So, there's a top level and a lower level, but nothing above that?

Mr. Reardon: No, just the 2 levels.

Mr. Gordon: Okay, I understand that.

Mr. Salerno: Brian, your parents live there?

Mr. Walsh: Yes.

Mr. Salerno: And you're trying to make that handicap accessible?

Mr. Reardon: Correct.

Mr. L'Ecuyer: So, your folks will be residing on the top floor, which is street level?

Mr. Walsh: Correct.

Mr. George: You said the addition is 700 sq. ft.?

Mr. Reardon: Correct. Each level is approximately that.

Mr. Salerno: And the lower level is going to be used just for what?

Mr. Walsh: If somebody comes over to visit. We have relatives in Ohio and stuff like that. If they come over, they'll have someplace to stay.

Mr. Salerno: So, it's not going to be an in-law apartment?

Mr. Walsh: No.

Mr. Salerno: Do any board members wish to inquire? Is there anybody in attendance this evening that wants to comment on this petition? Seeing no further comment, we'll take the matter under advisement, vote at the end of the meeting and notify you of our decision.

Decision

On April 27, 2004, the Shrewsbury Zoning Board of Appeals unanimously voted to grant the appeal of J. Thomas Reardon, 287 Park Ave., Worcester, MA, for a special permit as required by the Town of Shrewsbury Zoning Bylaw, Section IV, Subsection B, to allow the construction of an addition upon property located at 33 Smith Road maintaining the existing side yard setback of said property.

The subject premises, which is owned by Richard and Gloria Walsh, is nonconforming in several regards, the most prominent being that it contains two dwellings, numbered 33 and 35 Smith Road, situated upon one lot. The 33 Smith Road home, which is the focus of this appeal, is positioned to the southerly side of the parcel and it is nonconforming with respect to its front and side yard setback. The Walshes desire to construct an addition along its southerly side line that will maintain its existing side yard setback of 5.1 ft.

Upon review of this appeal, the board concluded that the expansion proposed by the appellants would neither materially alter the nonconforming features of this site nor would the utilization of the existing side yard setback to effect its construction adversely impact the welfare of area residents. They noted that this vicinity of Edgemere has many properties similarly arranged and it was their opinion that the completed residence would compliment the general character of this neighborhood. It was, therefore, unanimously voted to grant the appeal as presented to the board.

Vote

Mr. Salerno	Yes
Mr. George	Yes
Mr. Gordon	Yes
Mr. Rosen	Yes
Mr. L'Ecuyer	Yes

PUBLIC HEARING: Richard R. Bousquet, d/b/a Edgemere Power, 6 Hartford Tpke., Shrewsbury, MA.

PURPOSE: To hear the appeal of Richard R. Bousquet, d/b/a Edgemere Power, 20 Nelson Point Road, Shrewsbury, MA, for a variance to the Town of Shrewsbury Zoning Bylaw, Section VII, Subsection E-4-a, to allow the placement of a sign 4 ft. from the sideline of the Hartford Tpke. upon property located at 6 Hartford Tpke. The subject premises is described on the Shrewsbury Assessor's Tax Plate 57 as Plot 116.

PRESENT: Anthony M. Salerno, Chairman, Paul M. George, Melvin P. Gordon, Ronald I Rosen, David A. L'Ecuyer and Ronald S. Alarie, Building Inspector.

Mr. Salerno opened the hearing by reading the advertisement as it appeared in the Worcester Telegram on April 12, 2004 and April 19, 2004.

Mr. Salerno: Please identify yourself for the audio record and make your presentation.

Mr. Bousquet: My name is Richard Bousquet. I live on Nelson Point Road here in Shrewsbury. I have owned and operated Edgemere Power Equipment as a sole proprietorship for the past 24 years.

Essentially, what I would like to do is remove an existing sign from the front of my building and relocate it on a pole in front of the building. The reason for this is twofold. In order to ease the maintenance on the sign, such as a simple thing like changing a light bulb or a ballast on occasion, I've had to hire a bucket truck to work on the sign. It's 20 some odd feet off of the ground. Secondly, the bracket connections that have been supporting this sign for the last 20 years have started to fail.

So, I actually removed the sign a couple of months ago to refurbish it. I decided that, if it was okay with you gentlemen, I would like to mount it on a pole in front of the building. Unfortunately, the proximity of the building to the street is such that I don't have the setback that I should have. That is the reason why I am here. I do have a photograph here of the sign and a sketch of the proposed sign to be erected, if you will. I do apologize as I only have 1 copy of each.

Mr. Bousquet presented the photograph and sketch to the board.

Mr. Bousquet: The proposed location is about 8 ft. off of the front corner of the building.

Mr. Gordon: It's the white sign, the one that says "White" and then "Edgemere?"

Mr. Bousquet: Right.

Mr. Gordon: How big is that sign?

Mr. Bousquet: It's 4 ft. x 6 ft.

Mr. Gordon: So, it's going to be lighted?

Mr. Bousquet: Yes, sir.

Mr. Gordon: So, you will have power going to the pole?

Mr. Bousquet: That's correct.

Mr. Gordon: We'll be able to tell you apart from the pizza place?

Mr. Bousquet: That's right.

Mr. George: So, it's going to be approximately 7 ft. off of the ground?

Mr. Bousquet: Yes, sir. The bottom edge of the sign will be at 7 ft. I know there's a concern with visibility and such. We all know how busy that road is.

Mr. Alarie: The existing sign is legal nonconforming. You're not permitted to have signs attached to roof structures like that one is currently. So, it would eliminate that nonconforming feature. However, you're now dealing with the front setback. If you look at the tax map, you can see how close those buildings in that vicinity are to Route 20.

Mr. Gordon: Is 7 ft., in your opinion Ron, a safe height?

Mr. Alarie: Oh, I think so. I suggested to Mr. Bousquet to at least sit there, take a look at it while exiting the site and take that into consideration as to how high that should be above grade so that that doesn't obstruct visibility. Actually, it's about 7 ft. to the property line. There's still another distance out to where the actual edge of the road is.

Mr. George: When people enter and exit your property, are they to the left of the building or to the right?

Mr. Bousquet: Facing the building, they would be to the left.

Mr. George: That's the drive that goes to the side of it, the driveway?

Mr. Bousquet: There's a parking lot there which I share with the owner of Community House which is located in between where I am and Edgemere Liquor Store.

Mr. George: And to the other side of you is just a residential home?

Mr. Bousquet: It's actually a hairdresser.

Mr. Gordon: And then the Worcester line?

Mr. Bousquet: They are on the Worcester side of the line, right.

Mr. Salerno: Is there anybody in attendance this evening that wants to comment on this petition? Seeing no further comment, we'll take the matter under advisement, vote at the end of the meeting and notify you of our decision.

Decision

On April 27, 2004, the Shrewsbury Zoning Board of Appeals unanimously voted to grant the appeal of Richard R. Bousquet, d/b/a Edgemere Power, 20 Nelson Point Road, Shrewsbury, MA, for a variance to the Town of Shrewsbury Zoning Bylaw, Section VII, Subsection E-4-a, to allow the placement of a sign 4 ft. from the sideline of the Hartford Tpke. upon property located at 6 Hartford Tpke.

The board reviewed Mr. Bousquet's proposal to relocate the sign announcing his business, which is presently mounted to the roof of his building, to a pylon positioned to the front of the site and found that, due to the size of the subject property and siting of the existing building thereon, the literal application of the terms of the Zoning Bylaw would impose a significant hardship to the appellant. They noted that the existing sign is legal nonconforming and felt that the

proposed sign would be in greater compliance with both the general intent of the bylaw in regulating such structures as well as the specific sign provisions set forth therein. It was, therefore, unanimously voted to grant the appeal as presented to the board.

Vote

Mr. Salerno	Yes
Mr. George	Yes
Mr. Gordon	Yes
Mr. Rosen	Yes
Mr. L'Ecuyer	Yes

PUBLIC HEARING: AMI Leasing, Inc., 235 Hartford Tpke., Shrewsbury, MA.

PURPOSE: To hear the appeal of AMI Leasing, Inc., 46 West Boylston Street, Worcester, MA, for a special permit as required by the Town of Shrewsbury Zoning Bylaw, Section VI, Table I, to allow the sale of trucks and equipment from property located at 235 Hartford Tpke. The subject premises is described on the Shrewsbury Assessor's Tax Plate 53 as Plots 1-1 and 1-2.

PRESENT: Anthony M. Salerno, Chairman, Paul M. George, Melvin P. Gordon, Ronald I Rosen, David A. L'Ecuyer and Ronald S. Alarie, Building Inspector.

Mr. Salerno opened the hearing by reading the advertisement as it appeared in the Worcester Telegram on April 12, 2004 and April 19, 2004.

Mr. Salerno: Counsel, identify yourself and your client for the record and make your presentation.

Atty. Ricker: Yes, thank you, Mr. Chairman. Mr. Chairman and members of the board, my name is Richard Ricker. As you all know, I'm an attorney practicing here in Shrewsbury. I represent AMI Leasing Corporation which is the petitioner. With me tonight is Paul Victor who is the Director of Real Estate Facilities for AMI. We also have Ed Deedy, District Manager. We also have Greg Roy and Phil Wheeler from Ducharme & Wheeler who are the planners for the property and also, last but not least, the owner of the property, Rosemary Chaput, who is also my client. Rosemary has owned this property for quite some time. Her family has owned it for many, many years. She finds herself at this stage of her life in a position where it has become difficult to manage and difficult to maintain.

What AMI is proposing to do is to move into the building on the premises. As you can see, there's 1 building on this approximately 13 acre parcel. AMI Leasing would move into the building and would use up to 72 retail spaces in the front. Then they would use the spaces in the rear, here, for wholesale sales of their trucks. As I understand it, there really wouldn't be any other equipment other than trucks. They're solely the sales agent for the trucks from AMI Leasing. AMI, as you probably know, is owned by Ford Motor Company. It's what we consider a "Class A" tenant for this site.

As part of the overall deal, they would renovate the building, renovate the site, landscape and pave all the areas that you see on this plan that is shaded. As you are aware from previous dealings with this site, there are 2 accesses and egresses on the site. They would remain open. AMI would basically take over the whole first floor as it faces the parking areas as you are seeing them.

This obviously is a busy road. It's the Hartford Turnpike, Route 20. I would suggest, respectfully, to the board that this isn't going to add to the congestion or the traffic or any offensive natures to this site or to the neighborhood in general. It does about busy Route 20. I also think that this fits in with what the overall Master Plan calls for in this area such as these types of facilities to be in that particular area on that road.

I would suggest that there is no derogation from the intent of the bylaw with respect to this proposal and that this would be, in fact, a great improvement to the property and, as such, would increase the property value and, therefore, our tax base which we all know would be a benefit to the town.

If you have any questions about the plans, perhaps Mr. Victor or Mr. Wheeler or Greg could answer them.

Mr. Salerno: Thank you.

Mr. George: Would this operation include any type of auction of vehicles or are they just going to be for sale.

Atty. Ricker: Just retail sales and wholesale.

Mr. Deedy: Under normal business hours.

Mr. George: Which are?

Mr. Deedy: Seven-thirty to five.

Mr. Salerno: Sir, identify yourself for the record.

Mr. Deedy: My name is Ed Deedy, Jr., Director of Used Truck Operations.

Mr. George: That's going to be Monday through Saturday or Monday through Friday?

Mr. Deedy: Currently, we're Monday through Friday. We have not really have any intentions of Saturdays, but occasionally we do show buyers that we know are coming in from out of town. We do meet them on Saturday to show them our inventory.

Mr. George: No Sunday hours?

Mr. Deedy: No.

Mr. Salerno: Is there going to be a plan, Atty. Ricker, for lighting? Is there going to be a plan for fencing?

Atty. Ricker: There is a plan to light the parking areas. There is also a plan to fence all of the area where the vehicles would be. It would be fenced and closed in. All of the paved areas would be fenced. There will be lighting installed around the facility to light it for security purposes. We plan on meeting with the engineering department relative to those requirements.

Mr. Gordon: With this many spaces, why doesn't it go to site plan review?

Mr. Alarie: It goes to the basic requirements of the bylaw of how many off-street parking spaces are required based on the use, not the number of spaces that are installed upon the site. I think we have to delineate with this activity how they're going to arrange the first floor of that building and then what the required parking will be for that use. You know, Mr. Gordon, the threshold is 20 spaces or more requires a full site plan approval. Anything less than that is done as an in-house review with the town planner, the town engineer and me.

Mr. Gordon: We're putting an impervious surface over all of this area. It's next to Lake Quinsigamond. What about catch basins and oil separators, etc.?

Mr. Roy: I can speak to that. I don't want to speak out of turn, here, but I'm under the impression that this would need site plan approval.

Mr. Gordon: Who are you?

Mr. Roy: I'm sorry. My name is Greg Roy, from Ducharme & Wheeler, engineer of record. I'm under the impression that this would indeed need site plan approval, but I guess I'm not certain about that. But, these are not intended to be construction plans that deal with storm water and such and retention and things like that. We anticipate doing that subsequent to this process. It's my understanding that the planning board certainly would be working with the building department and/or the engineering department on those matters.

Mr. Gordon: Then you'd have no objection if part of the special permit was that you appear before site plan review?

Mr. Roy: If it's part of the bylaw, we have no objection.

Mr. Gordon: It's not part of the bylaw.

Atty. Ricker: If that's the board's pleasure, I mean as Greg says, we certainly expected to meet with at least engineering relative to the requirements on the site. So, are you talking about a site plan review process, the formal site plan review process or informal?

Mr. Gordon: I'll leave that to Mr. Alarie and Mr. Perreault.

Atty. Ricker: I certainly wouldn't object.

Mr. Gordon: The town does not have a lighting standard, we have the state lighting standard. The town does have standards for drainage, etc. Isn't there a wetlands in the back somewhere?

Atty. Ricker: Yes, there is. It will require conservation review.

Mr. Gordon: That will require conservation?

Atty. Ricker: Yes. This is the first step in several steps. Obviously, we need to get through the usage issue first.

Mr. Alarie: There's no question that it will require site plan approval, whether it's an in-house review or it's a formal review, I don't think that we've seen enough on the interior of the building or a full zoning analysis to identify which it will be.

Mr. Gordon: My concern is, as always, that the public has a right to know. Obviously, this is a Limited Industrial area and so it's less onus. But we do run into situations where people say you snuck it in and you didn't do it. I don't want anything of that nature to happen.

Mr. Alarie: Well, they have this meeting and others will follow.

Atty. Ricker: We have this meeting, we have the Selectmen's meeting with the licensing issue and we definitely have conservation and, potentially, a public hearing on the site plan review if that's what is required, although I don't expect that this triggers that formal review.

Mr. Salerno: Well, you had suggested, Mr. Alarie, that it would be an informal or formal site plan review based upon what is going to happen in the building?

Mr. Alarie: Correct and whatever else is taking place on the property.

Mr. Salerno: That would dictate the number of spaces that are required?

Mr. Alarie: Right, based on whether it's all retail space inside, office space and what the actual numbers are that the bylaw dictates for the specific activities.

Atty. Ricker: It's office.

Mr. Salerno: I was just going to ask that. Can you commit, at this point counsel, or is it too early to tell us what will be happening in the building?

Atty. Ricker: We expect that there will be approximately 10 employees on the site at any given time. They will all have spaces in the office areas. I believe the entire first floor is intended as office and conference area.

Mr. Gordon: And the underneath level?

Atty. Ricker: The underneath remains another tenant. There is a tenant that enters the premises from the rear.

Mr. Gordon: How many spaces does that tenant need?

Atty. Ricker: I would have to find that calculation.

Mr. Alarie: All of those uses will enter into the mix. I think, as part of the review, we'll ask for a detailed zoning analysis that shows all of the actual uses and the corresponding parking requirements. Those will all be totaled up and then we'll know which direction they will have to proceed.

Mr. Salerno: Well, what will it require, knowing what they just said, Ron? Will it require a formal or informal review if it's going to be 10 employees on the inside, it's going to be office space only for the operation of it?

Mr. Alarie: It's based on square footage. I don't have any building plans, so it's kind of hard to make that decision right now.

Atty. Ricker: It's under 12,000 sq. ft. I believe with the employees that I just mentioned, we're probably under the 20 parking spaces.

Mr. Alarie: What type of activity takes place in the basement?

Atty. Ricker: That's an industrial use, actually.

Mr. Alarie: Okay. It's 12,000 sq. ft. on the basement level as well?

Atty. Ricker: I don't think so. I'm not sure.

Ms. Chaput: It's only 3,000 sq. ft. on the top floor.

Atty. Ricker: As I said, it's less than 12,000 ft. It's 3,000.

Mr. Alarie: I would be willing to say that, in that case, it would not require them to go into the formal site plan review process.

Mr. Gordon: Is this going to be similar to the Hallamore site that you bought in Auburn?

Atty. Ricker: Not at all.

Mr. Deedy: No, that is a repair facility.

Mr. Gordon: Okay.

Atty. Ricker: There will be no repairs at this facility at all. There may be some maintenance performed.

Mr. Gordon: If the battery doesn't work?

Atty. Ricker: Right, there you go.

Mr. Salerno: So, this will be the resale of used trucks that were what, former lease vehicles?

Mr. Victor: Paul Victor, Director of Real Estate for AML. All of the trucks that we have on site in one way, shape or form have come off of a lease deal that we've had at one point.

Mr. Gordon: Why do you differentiate between retail and wholesale?

Mr. Victor: Some of the trucks come off of the road in better condition than others.

Mr. Gordon: Is that what it is?

Atty. Ricker: Some you wholesale for that reason.

Mr. Gordon: Well, that explains it pretty well to me. I have no problems if you are going to be going to conservation, you're going to be going to the Selectmen, you're going to be putting fencing in, you're going to be putting in lighting and you're going to be putting in drainage. Ford Motor Credit is a fairly reliable company.

Mr. Alarie: Will there be any exterior speaker systems?

Atty. Ricker: I don't know.

Mr. Deedy: None are planned at this time.

Mr. Gordon: That's one of the things that we try not to have. You have neighbors to the south of you and to the west of you.

Mr. Alarie: There are quite a few to the rear. There's a dense development.

Mr. Gordon: You've got 3 houses going up across the street. You've got those apartments and God knows what else is coming.

Mr. Deedy: The employees who work on the site have the Nextel Direct Connect radios. So, if you put that provision into the decision, there would be no objection to it.

Mr. Gordon: On the lighting, I would hope that if you have an informal review it would be that only the safety lighting stays on for 24 hours and the main lighting goes off an hour after you close. I don't want anybody robbing your trucks.

Mr. Victor: Well, that's the reason we always light our sales lots because, if we do not, it does turn into a parts alley.

Mr. Gordon: The interesting experience that we had was with a sister company of yours, Lincoln Mercury. They built a place on Route 9 where you can examine the sand into the late evening. So, with houses close to you, we would like to try to limit that if we could.

Mr. Salerno: Is there anybody in attendance this evening that wants to comment on this petition? I would be surprised because it's just us.

Mr. Gordon: When do you plan to begin construction and operation?

Atty. Ricker: Really, as soon as possible. We've got to get through some permit process here. As soon as that's done.

Mr. Gordon: Will this require a Class 2 license?

Atty. Ricker: Yes, it does. There was one on the site, as you know, previously.

Mr. Gordon: Yes, I know.

Atty. Ricker: A different caliber.

Mr. George: How high is the fencing going to be?

Mr. Victor: Eight feet.

Mr. George: An 8 ft. fence, cyclone fencing?

Mr. Victor: I'm sorry?

Mr. George: Will it be chain link?

Mr. Victor: Yes, chain link.

Mr. Gordon: You're satisfied that the lines of sight on the top driveway are adequate?

Mr. Alarie: Well, you're on the incline there. I think that, with this type of business, it would certainly reduce the amount of traffic entering this site as compared to any other retail business or even some industrial or office buildings where you could get a lot more vehicular traffic. I think that the activity to the site would be rather limited. It's not the greatest sight line. You've got trucks coming down the hill at a good rate of speed.

Atty. Ricker: There has been retail use on the site. This will be replacing that.

Mr. Gordon: So now, with this coming in, the busses, trucks and other vehicles that are there would be leaving the site?

Atty. Ricker: Do busses go into here?

Ms. Chaput: There are no busses.

Atty. Ricker: There are no busses.

Mr. Gordon: The busses are gone?

Atty. Ricker: Yes, the busses and trucks are gone.

Mr. Gordon: And the cars are gone?

Atty. Ricker: The cars are gone. The retail user that is there would be gone.

Mr. Gordon: The hardwood floor business is still there?

Atty. Ricker: Yes.

Mr. Alarie: Most recently weren't there box trucks stored upon the property?

Ms. Chaput: Yes. There are about 6 mail trucks that park there occasionally.

Mr. Salerno: Ma'am, would you just identify yourself for the record.

Ms. Chaput: Yes, my name is Rosemary Chaput. There are mail trucks there. There are about 6 of them.

Atty. Ricker: They would not be allowed to stay there in light of the fact that this takes up that space.

Ms. Chaput: It takes up that space. The reason that I was going into this type of a thing is because, like at Christmastime, you might have 8 trucks. When they're not busy, you're down to 6. This would provide a signed lease on the property and a source of steady income. The owner of the mail trucks had asked me to allow him to park them there and I was using that as a source of revenue. I would rather have a secured tenant than renting truck parking spaces. It serves its purpose now, but I would rather have a secure company in there with a

signed lease on the property. It's sort of hard to get any financing with at-will-tenants.

Mr. Gordon: Excuse me. Is this going to be triple-net lease?

Atty. Ricker: Yes.

Mr. Gordon: Okay, so your clients will be doing all of the repairs.

Atty. Ricker: They will be doing all of the maintenance.

Mr. Victor: Our agreement is that all of the work from the paving, the lighting, and the fencing will be done by AMI.

Mr. Salerno: Landscaping?

Mr. Victor: And the landscaping as well.

Mr. Gordon: What landscaping will you be doing?

Atty. Ricker: That's another plan that's going to have to be developed. We haven't done that as yet, but that is part of our overall filing. Obviously, Ms. Chaput would rather have AMI Leasing this property and Ford Motor Company as a tenant.

Mr. Gordon: It sounds reasonable to me.

Mr. Salerno: The inventory that you are going to keep on there, can you describe for us the type of vehicles, cars, trucks, vans?

Mr. Deedy: There will be very few vans, small vans or cargo vans. They would roughly range from 14 ft. up to 24 ft. Occasionally there would be a 26 ft. van and then single axel tractors, tandem axel tractors and then sleeper tractors. There are very, very few tandem axel sleeper tractors.

Mr. Salerno: What does very, very few mean numbers-wise?

Mr. Deedy: If we sold 15 tandem axel sleepers a year that would be a lot. Quite often the market for tandem axel sleeper tractors is not in the east. We would send them west.

Mr. Salerno: All right. Those, again for lay people, are what, 8 tires in the back with sleeping compartments.

Mr. Deedy: Right, with a box behind the cab where the driver can sleep overnight. The bread and butter of our business is the 18, 22, 24 ft. straight truck. All the vehicles would either be former rental trucks or lease pieces. Occasionally we do a courtesy sale for a customer of ours who is a contract customer.

Mr. Salerno: For the site engineer, those kinds of vehicles are straight bodies. With the incline there and the accesses to and from that, you're satisfied that these trucks can enter the Route 20 westbound lane, correct? That's on the decline?

Mr. Roy: Again, there's a level of detail that needs to be worked out yet with grading things, but everything is oversized. The entrances and exits on this have been oversized to accommodate trucks. The parking spaces have been oversized to accommodate trucks. So yes, this is a 13 acre site. For the number of spaces and things that we are proposing with some grading that will be required, we're confident that we can make it.

Mr. Salerno: Are you comfortable with the eastbound traffic making a left turn across to come in?

Mr. Roy: This here?

Mr. Salerno: Well, you're on the westbound side, so the traffic is going to be coming down hill at a higher speed. Trucks coming from the eastbound direction of Route 20 are going to have to make the turn across traffic, a left hand turn across traffic.

Mr. Roy: This way?

Mr. Salerno: Right.

Mr. Roy: Yes, there's plenty of turning radius there, if that's what you're suggesting.

Mr. Salerno: No, what I'm asking is, have you given thought to restricting the entrances?

Mr. Roy: Oh, making this enter only, for eastbound enter only?

Mr. Salerno: Yes, only because it gives more sight line too. Well, I mean that's your forte. I was just asking?

Mr. Roy: Honestly, I haven't looked at that yet, but we probably would. Yes, we would give it thought.

Mr. Victor: That entrance is also at grade so it makes more sense from the vehicles perspective.

Atty. Ricker: I think that's something that also will be discussed at the site plan review process.

Mr. Deedy: In addition, I think what everyone's thinking is that, when you see a truck pull out, it's something at a very slow pace. Keep in mind that all of our trucks are unloaded vehicles and will not have the same problem that a loaded vehicle will have.

Mr. Salerno: Yes. I'm just thinking of a decline coming westbound on your side of the road if you've got vehicles entering or exiting there, whether or not there's a dedicated entrance or exit would be better for you. I'm sure you guys will figure that out.

Mr. Gordon: Do you still have a site on Millbrook Street in Worcester?

Mr. Victor: No, we don't.

Mr. Gordon: You've eliminated that?

Mr. Victor: Actually, that's what this is replacing. The Hallamore property that you referred to in Auburn, we recently signed a 10 year lease on that for about \$700,000 dollars.

Mr. Gordon: For repairs?

Mr. Victor: That's strictly for repairs.

Mr. Gordon: The Millbrook space was for storage at one time?

Mr. Victor: It was for storage and for sales similar to this function here for the used trucks. So, we've split up the two now. The service went to Auburn and our intent is for the sales to come here to Shrewsbury.

Mr. George: Will you be selling box trailers out of that site too?

Mr. Deedy: Occasionally. A lot of the times the trailers never make it to our facility, obviously, for the size problem. We have another facility with adequate storage in Springfield and one in Fitchburg where we will be storing trailers.

Mr. Salerno: Okay. We'll take it under advisement and notify you of our decision.

The decision of the board is on the following page.

Decision

On April 27, 2004, the Shrewsbury Zoning Board of Appeals unanimously voted to grant the appeal of AMI Leasing, Inc., 46 West Boylston Street, Worcester, MA, for a special permit as required by the Town of Shrewsbury Zoning Bylaw, Section VI, Table I, to allow the sale of trucks and equipment from property located at 235 Hartford Tpke.

The subject site is located within a Limited Industrial District and AMI Leasing, Inc. proposes to utilize the subject site for the aforementioned purposes in accordance with the Zoning Bylaw amendment approved at a special town meeting conducted in March of 2003 permitting the sale of large trucks and equipment within this zone. The board noted that, as presented by the appellant, the condition of this property would be substantially upgraded with building and site improvements and that the property, which is over 12 acres in area, would readily accommodate both the number and the size of the vehicles to be displayed/stored thereon. It was their opinion that the conduct of the appellant's business upon this parcel conformed to the intent of the bylaw, would compliment the general character of this vicinity of the Route 20 corridor and that it would not create any condition that would adversely impact the welfare of the general public. It was, therefore, unanimously voted to grant the appeal as presented to the board subject to the following restrictions:

1. There shall be no automotive repairs conducted upon the premises.
2. Business hours shall be limited to those hours between 7:00 A. M. and 5:00 P. M., Monday through Saturday.
3. The use of outdoor speakers is prohibited upon the subject premises.
4. There shall not be more than 20 box trailers displayed/stored upon the premises at any time. The right to display/store such trailers upon the premises shall remain in effect for a period of 5 years, said period commencing upon the date of the filing of this decision with the office of the Shrewsbury Town Clerk.

Vote

Mr. Salerno	Yes
Mr. George	Yes
Mr. Gordon	Yes
Mr. Rosen	Yes
Mr. L'Ecuyer	Yes